

Appl. No. : 09/814,547
Filed : March 22, 2001

REMARKS

A. Introduction

The remarks herein are responsive to the Office Action mailed on July 27, 2006. Claims 1-22 stand rejected by the Examiner. Claims 1 and 4-8 are currently pending in this application. Applicant has canceled claims 2, 3, and 9-22 without prejudice and reserves the right to pursue any canceled claim at a later date. Further, Applicant has amended Claims 1 and 4-8 to recite, among other things, additional limitations not previously presented. Applicant submits that these amendments do not add new matter because support may be found at least in paragraphs [0009], [0017], [0021], [0022], [0023], [0024], [0025] and [0044].

B. Claim Rejections Under 35 U.S.C. § 103

Applicant respectfully submits that Claims 1 and 4-8 are not anticipated or made obvious over U.S. Patent No. 6,330,547 to Martin in view of U.S. Patent Application Publication No. 2002/0099637 to Wilkinson et al.

Martin teaches a method and apparatus for deciding whether to make a *loan* using an intangible asset, such as intellectual property, as *collateral* and for making such a *loan* more attractive to a *lender*. See Abstract. Further, Martin teaches that a venture capital *investment* by a venture capitalist is distinct and separate from a *loan* made by a lender. Martin states that venture capital financing results in dilution of ownership of a company whereas debt financing does not result in a loss of ownership control. See col. 1, ln. 35-43. As acknowledged by the Examiner, Martin does not disclose transferring the intellectual property asset to a charitable organization.

Wilkinson teaches a process for investment in intellectual property, comprising providing an accounting for an intellectual property investment; providing a valuation with respect to the intellectual property investment; performing financial analysis related to the intellectual property investment and making a recommendation based upon the financial analysis; and managing the investment based upon the accounting, valuation, and analysis for the investment. See Abstract.

Applicant respectfully submits that, among other things, Martin and Wilkinson, either alone or in combination, do not disclose, teach or suggest, "In an investment risk minimization system involving a venture capital investor and a venture needing investment from the venture

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capital investor, a method performed in the following sequence comprising identifying a venture having an intellectual asset; determining a value of the intellectual asset held by the venture; establishing an amount of the investment at least partially based on the value of the intellectual asset; determining for the venture minimum performance conditions needed for the investment to be recouped over a predetermined period of time, wherein the minimum performance conditions comprise at least one of a return on investment goal, an earnings goal, a market penetration goal, a gross sales goal or a combination thereof."

C. Conclusion

Applicant respectfully submits that the claims are in condition for allowance. Furthermore, any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Although changes to the claims have been made, no acquiescence or estoppel is or should be implied thereby; such amendments are made only to expedite prosecution of the present application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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AMEND / 2960951 / 092506